

TENTATIVE RULINGS for CIVIL LAW and MOTION

September 11, 2012

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6722

TENTATIVE RULING

Case: **George Family Enterps., Inc. v. JDS Builders Grp., Inc.**
 Case No. CV CV 11-2473

Hearing Date: **September 11, 2012** **Department Fifteen** **8:30 a.m.**

Plaintiff George Family Enterprises, Inc.'s motion to strike the answer of defendant JDS Builders Group, Inc. is **DENIED**. (Code Civ. Proc., § 436.) Plaintiff cites no authority supporting a motion to strike under these circumstances. Additionally, the grounds for a motion to strike must appear on the face of the pleading under attack, or from matter which the court may judicially notice (e.g., the court's own files or records). (Code Civ. Proc., § 437, subd. (a).) The defect cited by plaintiff does not appear on the face of the pleading challenged, or from documents of which plaintiff has requested judicial notice.

The notice of motion does not provide the correct address for Department 15. Department 15 is located at 1100 Main Street, in Suite 300, in Woodland.

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Zuniga v. Labor Ready, Inc.**

Case No. CV CV 12-238

Hearing Date: **September 11, 2012** **Department Fifteen** **8:30 a.m.**

Plaintiff April Zuniga's unopposed motion to deem admitted requests for admission served on defendant Bryan Thomas is **GRANTED**. (Code Civ. Proc., § 2033.280, subd. (b).)

The request for monetary sanctions is **GRANTED** against defendant Thomas in the amount of \$285.00. (Code Civ. Proc., § 2033.280, subd. (c).) The sanctions shall be paid by September 28, 2012.

The notice of motion does not provide the address for Department 15. Department 15 is located at 1100 Main Street, in Suite 300, in Woodland.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.